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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,766	11/21/2001	Stephen John Hinde	B-4398 619336-4	1903

22879 7590 04/10/2006

HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

VO, HUYEN X

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**DETAILED ACTION**

***Defective Appeal Brief***

1. An in-depth review of the Appeal Brief indicates that the following sections are missing from the Appeal Brief filed July 2005:

- 1) "Summary of claimed subject matter," as set forth in 37 CFR 41.37(c)(1)(v);
- 2) "Grounds of rejection to be reviewed on appeal," as set forth in 37 CFR 41.37(c) (1) (vi);
- 3) "Claims appendix," as set forth in 37 CFR 41.37(c) (1) (viii);
- 4) "Evidence appendix," as set forth in 37 CFR 41.37(c)(1)(ix); and
- 5) "Related proceedings appendix" as set forth in 37 CFR 41.37(c)(1)(x).

In addition, the following section, Grouping of Claims, not required, and should be removed.

A substitute brief that is compliance with 41.37(c) is required. For more information, see the United States Patent and Trademark website [www.uspto.gov](http://www.uspto.gov), and, in particular, the web page entitled "More Information on the Rules Practice Before the Board of Patent Appeals and Interferences, Final Rule" located at the following URL:

[www.uspto.gov/web/offices/dcom/bpai/frzoo4/moreinfo.html](http://www.uspto.gov/web/offices/dcom/bpai/frzoo4/moreinfo.html).

Accordingly, it is ORDERED that the application is returned to the examiner to:

- 1) hold the Appeal Brief filed July 2005 defective;
- 2) require appellants file a new Appeal Brief compliance with 37 CFR 5 41.37(c);

- 3) for consideration of the substitute Appeal Brief, and, if necessary, to vacate the Examiner's Answer mailed October 31, 2005, and issue new Examiner's Answer;
- 4) for written notification to appellants regarding the action taken;
- 5) to have a copy of Scott et al. (WO 00/30329) scanned into the electronic file;
- 6) and for such further action as may be appropriate.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HXV

4/4/2006

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER